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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,087	02/11/2004	Vikas Gupta	62012B (1062-010C1)	2351
25215 7590 12/29/2006 DOBRUSIN & THENNISCH PC 29 W LAWRENCE ST SUITE 210 PONTIAC, MI 48342			EXAMINER BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/29/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/776,087

Applicant(s)

GUPTA ET AL.

Examiner

Greg Blankenship

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 9/26/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83-86, 88-93 and 95-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-86, 88-93 and 95-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/26/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 101-103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 101 is not clearly understood because it is unclear how many openings are required for the reasons stated in the previous office action. The examiner stated that the claim was read as allowing the circular opening and/or one of the plural rectangular openings to be the “at least one opening for receiving an instrument or a gauge”. This requires at least three openings. However, the applicant believes the invention requires at least four openings. Since the claims can be read in manner that are not consistent with the applicant’s intent, the claims still fail to particularly point out and distinctly claim the applicant’s invention. The claims have been examined on both readings. The claims must be amended to overcome the rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 84-86, 88, 89, 91-95, 97-100, 104, and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Kelman et al. (5,364,159).

Delmastro discloses an instrument panel assembly having a first molded plastic panel (12) formed of a first material joined to a second molded plastic panel (14) formed of a second, different material. The panels (12,14) extend across the vehicle. Tongue and groove mechanical interlocks can be used to connect the panels (12,14) to make the ducts substantially air-tight for HVAC ducts, as disclosed on lines 10-14 of column 6. This inherently requires at least one tongue and groove interlock on the top of panel (14) and bottom of panel (12) located at three separate locations. These locations are to the left of duct (30), between ducts (30,32), and to the right of duct (32), as seen in Figure 2. The interlock between ducts (30,32) is being applied to the claims as the at least one "mechanical joint". The interlocks must extend a length of the panels to provide the substantially air-tight feature. In reference to claim 91, the first material may include PC/ABS, as disclosed on lines 44-45 of column 2. The second material may include a polyolefin material and polypropylene, in reference to claim 91, as disclosed on lines 56 and 46 of column 2; respectively. The panels (12,14) define air ducts (30,32) for a vehicle cabin heating and cooling system. The first panel is joined to the second panel with one or more mechanical joints that are mechanical interlocks, in reference to claims 85 and 91, as disclosed on lines 4-14 of column 6. In reference to claims 86 and 93, at least one of the panels provides a vent that is configured to open into a passenger compartment of the vehicle, as disclosed on lines 18-20 of column 5. In reference to claims 87 and 94, Figure 2 shows the lower panel (14) with flanges (38) on its topside that connect to the lower side of the upper panel (12), as disclosed on lines 54-60 of column 5. The flanges extend along sides of the panel (14). In

reference to claims 88 and 95, the first material is from a different plastic family than the second material. In reference to claims 89, 97, and 100, the first and second panels (12,14) are joined to a show surface (20) that is exposed to view in an automotive vehicle, as seen in Figure 2. In reference to claims 91, 98 and 99, an opening (16) for an air bag module is formed in panel (12). This opening meets the limitation of an opening for receiving an instrument and/or a gauge because these are just the intended use of the opening. In reference to claim 92, the mechanical interlocks include a tongue and groove mechanical interlock, as disclosed on lines 4-14 of column 6, which meet the limitations for the protrusion received in a channel. However, the flanges as claimed are not disclosed.

Kelman et al teach tongue and groove fasteners that are formed by flanges (328) on a side of panel (320) that faces the panel (314) to which it is connected. The flanges (328) are received in grooves (324) that are formed by two flanges that are somewhat parallel to flange (328).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form each tongue and groove mechanical interlock of Delmastro as a single flange on the first panel and a pair of spaced apart flanges on the second panel that are somewhat parallel to the flange on the first panel to securely connect the first and second panels, as taught by Kelman et al., in a substantially air-tight manner resulting in first flanges forming the mechanical interlock to the left of duct (30) such that the flanges extend along a length and a side of each panel and second flanges to the right of duct (32) such that the flanges extend along a length and a side of each panel.

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5. Claims 90 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Delmastro (6,354,623) and Kelman et al. (5,364,159), in view of Brannon (5,443,775).

Delmastro, as modified, does not disclose the show surface being a molded-in-color thermoplastic polyolefin.

Brannon teaches forming dashboards of pigmented thermoplastic polyolefin, as disclosed on lines 25-45 of column 3 and lines 55-60 of column 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the show surface of Delmastro, as modified, of a molded-in-color polyolefin material, as taught by Brannon, to improve the aesthetics of the instrument panel assembly.

6. Claims 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Speelman et al. (US 2002/0153741).

Based on the examiner's reading of claim 101, Delmastro discloses a rectangular opening (16) in the first panel and another opening in first panel (12) for receiving the fastener shown in Figure 4. However, Delmastro does not disclose the claimed materials, a circular opening, or more than one rectangular opening.

Official notice is being taken that materials that consist essentially of PC/ABS are well-known in the art with known properties as are materials that consist essentially of polypropylene.

Speelman et al. teaches forming a circular openings (52) for receiving fasteners.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

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form the first panel of a material that consists essentially of PC/ABS to provide the desired strength and weight;

form the second panel of a material that consists essentially of polypropylene to provide the desired strength and weight,

form the fastener receiving hole of Delmastro with a circular shape, as taught by Speelman et al., to properly fit the fastener; and

form another rectangular opening in first panel of Delmastro to provide more space for accommodating mechanisms like instruments and gauges.

7. Claims 101 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delmastro (6,354,623) in view of Speelman et al. (US 2002/0153741).

Based on the applicant's reading of claim 101, Delmastro discloses a rectangular opening (16) in the first panel for receiving an instrument and another opening in first panel (12) for receiving the fastener shown in Figure 4. A plurality of elongated openings are provided on the second panel (14) along the hinge line (24), as shown in Figure 1 and disclosed on lines 6-10 of column 4. However, Delmastro does not disclose the claimed materials, a circular opening, or more than one rectangular opening.

Official notice is being taken that materials that consist essentially of PC/ABS are well-known in the art with known properties as are materials that consist essentially of polypropylene.

Speelman et al. teaches forming a circular openings (52) for receiving fasteners.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the first panel of a material that consists essentially of PC/ABS to provide the desired strength and weight;

form the second panel of a material that consists essentially of polypropylene to provide the desired strength and weight,

form the fastener receiving hole of Delmastro with a circular shape, as taught by Speelman et al., to properly fit the fastener; and

form the plurality of elongated slots in second panel of Delmastro with a rectangular shape to accommodate the shape of the hinge/tethers that extend through the openings.

8. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of references, as applied to claim 102 in paragraph 6, in view of Brannon (5,443,775).

Delmastro, as modified in paragraph 6, does not disclose the show surface being a molded-in-color thermoplastic polyolefin or the plural rectangular openings that are separate from the at least one opening for receiving an instrument or gauge.

Brannon teaches forming dashboards of pigmented thermoplastic polyolefin, as disclosed on lines 25-45 of column 3 and lines 55-60 of column 16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the show surface of Delmastro, as modified, of a molded-in-color polyolefin material, as taught by Brannon, to improve the aesthetics of the instrument panel assembly; and

form the plurality of elongated slots in second panel of Delmastro with a rectangular shape to accommodate the shape of the hinge/tethers that extend through the openings.

This rejection applies to both readings of claim 101.

Response to Arguments

9. Applicant's arguments filed 9/26/2006 have been fully considered but they are not persuasive. The applicant has argued the 35 USC 112, 2nd rejection of claim 101 stating the claims require at least four openings. The examiner understands the applicant's position now, but the claims do not include language that excludes the examiner's reading that allows the "at least one opening for receiving an instrument or a gauge" to be one of the openings with a claimed shape.

10. The applicant has argued that the first and second panels of Delmastro, as applied to claim 101, are not separate from a show surface as claimed. The examiner disagrees because the panels are distinct elements from the show surface. The panels are joined to the show surface by adhering the show surface to the panel (12). Neither of the panels (12,14) forms the show surface; therefore, they are separate from the show surface. Further, the applicant claims the show surface is joined to the first and second panel in claim 103.

11. The applicant has argued that there is no motivation to modify the trim panel to include rectangular openings for receiving an instrument or gauge. This is confusing since it is unclear which element the applicant is calling the trim panel. Adding a second rectangular opening for receiving an instrument or gauge is merely duplicating a the rectangular opening that was already disclosed/taught by Delmastro.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gab

December 22, 2006

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